

*United States Bankruptcy Court for the Southern District of New York*

**INDIVIDUAL DEBTORS IN CASES UNDER CHAPTER 7 OR 13**

If you are an individual debtor in a chapter 7 or 13 case, do **not** confuse the *credit counseling requirement* with the *debtor education requirement*. They are **not** the same!

1. **Before** filing your case, you must undergo **credit counseling** (*see below*).
2. **After** filing your case, you must fulfill the **debtor education requirement** by taking a course in personal financial management (*see below*).

**Credit Counseling Requirement:** *Prior to* commencing a bankruptcy case, *all* individual debtors – filing under *any* of the Bankruptcy Code chapters that are available to individuals (*i.e.*, chapter 7, 11, 12 or 13) – must undergo **credit counseling** from a credit counseling service that the United States Trustee has **approved** for this judicial district (Southern District of New York). [To view the list of approved services for this district, go to [http://www.usdoj.gov/ust/eo/bapcpa/ccde/cc\\_approved.htm](http://www.usdoj.gov/ust/eo/bapcpa/ccde/cc_approved.htm), click on **New York**, and scroll down to the listing underneath the heading, “*Southern District of New York.*”]

**What and When to File**<sup>1</sup>: After receiving credit counseling, the debtor must file, *at the time of filing the petition*, the **certificate** that was provided by the credit counseling service on completion of credit counseling. Additionally, any **repayment plan** developed as part of credit counseling should be filed along with the certificate.

**NOTE:** Under *limited* circumstances (that may *not* apply to your situation), debtors who are unable to file the credit counseling certificate *at the time of filing the petition* may request to have the court grant a **30-day extension** for filing the certificate (a form for making this request is available on the court’s website). Additionally, *at the time of filing the petition*, certain debtors may request to be **waived** of this requirement based on having an incapacity or disability or being engaged in active military duty in a combat zone (a form for requesting that the court grant this waiver is available on the court’s website).

**Consequences for Failing to File:** Your case may be subject to dismissal, in which event you will be unable to obtain bankruptcy relief.

**Debtor Education Requirement:** *After* commencing the bankruptcy case, individual debtors in chapter 7 or 13 cases must fulfill a debtor education requirement by taking a **course** in **personal financial management**. This course must be taught by a course provider that the United States Trustee has approved for this judicial district (Southern District of New York). [To view the list of approved course providers for this district, go to [http://www.usdoj.gov/ust/eo/bapcpa/ccde/de\\_approved.htm](http://www.usdoj.gov/ust/eo/bapcpa/ccde/de_approved.htm), click on **New York**, and scroll down to the listing underneath the heading, “*Southern District of New York.*”]

**What and When to File**<sup>2</sup>: After completing the course in personal financial management, the debtor must file with the court a *signed, completed* **Official Form 23** (“*Debtor’s Certification of Completion of Instructional Course Concerning Financial Management*”). When filing, the debtor should attach (to the signed, completed form) the **certificate** issued by the course provider on completion of the course. Do **not** file the certificate without including Official Form 23. The **deadline** for filing differs for chapter 7 and 13 debtors, as noted immediately below:

**Deadline for Chapter 7 Debtors:** The debtor must file Official Form 23 **within 45 days** from the **first date** set for the **§ 341(a) meeting of creditors**.

**Deadline for Chapter 13 Debtors:** The debtor must file Official Form 23 *no later than* the **last payment** made by the debtor as required by the plan *or* the **filing of a motion** for entry of a “hardship” discharge under §1328(b).

**Consequences for Failing to File:** Your case may be closed without entry of a discharge. To file Official Form 23 once the case is already closed, you will need to reopen the case and pay the case reopening fee.

---

<sup>1</sup> **Attorneys Filing on Behalf of Clients:** To docket the credit counseling certificate on the Court’s ECF System, use the event “**Certificate of Credit Counseling**” (the repayment plan, if any exists, can be attached when using this event or filed separately using the event, “**Debtor’s Repayment Plan**”). *Do NOT include the credit counseling certificate as part of Document 1* (*i.e.*, the document normally containing the petition, schedules, statement of financial affairs, etc.).

<sup>2</sup> **Attorneys Filing on Behalf of Clients:** To docket Official Form 23 on the Court’s ECF System, use the event “**Financial Management Course Certification (Official Form 23)**” (the certificate issued by the course provider should be attached when using this event). *At the time of filing, do NOT include Official Form 23 as part of Document 1* (*i.e.*, the document normally containing the petition, schedules, statement of financial affairs, etc.).